IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVI APPELLATE SIDE JURISDICTION

WRIT PETITION NO 8067 OF 2005

Shri Amit R Desai....Petitioner

vs

Indian Bank Bombay ..Respondents

Mr. A.R.Desai party in person

Ms Mohana Nair for respondent no.l

CORAM: S.U.KAMDAR J.

Dated 5.l2.2005

P.C:

. The order impugned is passed by the Recovery Officer. An appeal lies against the said order to the Debt Recovery Tribunal and further appeal to the Debt Recovery Appellate Tribunal. In that view of the matter the petitioner is permitted to withdraw the petition with liberty to file an appeal to the DRT. It is made clear that till the DRT decides the appeal the recovery officer not to sell the residential flat being Flat No.l207 building A58 Azad Nagar, Veera Desai Road, Andheri(West) Mmbai 400058. However, the recovery officer will be entitled to dispose of the other remaining assets. With the aforesaid observations petition is disposed of with no order as to costs. The

petitioner states that he will file the appeal within a period of three weeks from today. If the appeal is not filed within the said period, this order to stand vacated.